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Filed : May 22, 2000

REMARKS

Applicant has the following remarks in response to the Office Action.

Discussion of Restriction Requirement

In the Office Action, the Examiner indicated that restriction was made to one of the following inventions:

- I. Claims 1, 3-6, 8-11, 13-17, 21-32, 35-42, and 45, drawn to a graphical interface with customized control objects; and
- II. Claims 18-20, 33 and 34, drawn to controlling a music player via a device driver for an optical diskette burner.

Applicant notes that this restriction was previously made in a restriction requirement mailed January 14, 2004. In a response, filed February 9, 2004, Applicant elected Group I.

Discussion of Claim Objections

In the Office Action, the Examiner objected to Claim 40 because it is dependent on itself. Applicant respectfully submits that this has been corrected by the above-amendments.

Discussion of Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

In the Office Action, the Examiner rejected Claim 39 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicant respectfully submits that these defects have been corrected by the above-amendments.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

In the Office Action, the Examiner rejected Claims 1, 3, 4, 6, 8, 9, 11, 13, 14, 16, 17, 21-32, and 35-38 under 35 U.S.C. § 102(a) as being unpatentable over .S. Patent No. 6,356,971, to Katz, et al. (hereinafter "Katz") in view of U.S. Patent No. 6,148,346, to Hanson (hereinafter "Hanson"). Claims 5, 10, 15, 39-42, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Katz, Hanson, and U.S. Patent No. 6,377,530 to Burrows.

Claims 1, 6, 11, 16, 17, 35 and 39

One embodiment of Applicant's invention may be directed to a music player that executes on a computer. The music player may provide a region in a graphical user interface that is customizable via an application programming interface by a device driver for a music renderer, including but not limited to a portable MP3, music or video player or a device for burning optical diskettes. To provide support for new features that are developed with respect to such music renderers, the music player may include a device driver interface that allows a provider of the device driver for the music renderer to define and display new controls, control objects such as a button, in the music player.

In specific, Claim 1, as amended, recites: "executing a music player that displays a graphical user interface comprising information about music items and that provides a device driver interface; executing a device driver, related to a music renderer, that indicates a change to the display of the music player's graphical user interface; and providing via the device driver interface a control object for managing music items; and displaying the control object in response to an event occurring during the execution or startup of the music player." Independent Claims 6, 11, 35, and 39 include similar types of limitations regarding the customization of a graphical user interface by a device driver.

To establish a *prima facie* case of obviousness a three-prong test must be met. First, there must be some suggestion or motivation, either in the references or in the knowledge generally available among those of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success found in the prior art. Third, the prior art reference must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Applicant respectfully submits that the cited references fails to teach or suggest all of the limitations of the above-listed claims. Furthermore, Applicant respectfully submits there is no motivation to combine the references as was suggested by the Examiner.

Katz is generally directed to a system for managing a multimedia tracks on a computer and for controlling a disk changer that is connected to the computer. In Katz, a computer program (200) executes on a computer system (100). The computer program (200) includes an application program (210), a graphical user interface (210) a Component Object Model (COM) interface 260, a changer service 270, an IOCTL interface 280, and a device driver (290). See Katz, Figure 2 and col. 4, lines 42-46. In Katz, the device driver performs control of movement

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of the robotics in a disc changer device 120. *See* Katz, col. 4, 54-56. Furthermore, the device driver (290) supports carousel-type disc changer devices that allow the user to insert several CDs at once and report changes to the application program (210).

In the Office Action, the Examiner acknowledged that “Katz’s graphical interface comprises numerous control objects, but Katz fails to disclose that any of the control objects are customized and provided by a device driver related to the music renderer.” In the Office Action, the Examiner took the position that Hanson discloses a device driver for a peripheral device that is capable of delivering customized control objects.

Applicant respectfully submits that Hanson fails to teach or suggest providing a device driver interface as is claimed. Hansen describes a system for providing a printer device driver that may be compatible with different operating systems. The device driver has an operating specific device driver portion 32 and a operating system independent device driver portion 34. Hanson describes a number of menus that may be used by an individual to configure a printer using the device driver. *See* Figures 3-8. For example, Figure 3 illustrates a menu that allows a user to interact with a preconnected printer. *See* col. 5, lines 23-25. Figure 4 illustrates a menu that is used to provide printer status. *See* col. 5, lines 33-37. Figure 5 illustrates a menu that is used to show available printers. *See* col. 5, lines 37-39.

Applicant respectfully submits that Hanson fails to teach or suggest that that an *application* provide a device driver interface for controlling its graphical user interfaces. In one embodiment of the invention, a device driver interface is provided so as to allow various types of device drivers to “plug-in” and become operational with respect to a music player. Using the device driver interface, a device driver can configure the controls of a graphical user interface that is provided by the music player. In Hanson, it appears that the only graphical user interfaces that are displayed by the device driver are its own. Disadvantageously this does not provide for seamless integration of the controls of the device driver with an application. In Hanson, there is no suggestion that the device driver communicate with an application via an application programming interface so as to provide controls for a graphical user interface of the application. In light of this, Applicant respectfully submits that Hanson fails to teach or suggest at least this limitation.

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Moreover, Applicant respectfully submits that there is insufficient motivation to combine Katz and Hanson to support a prima facie showing of obviousness. In the Office Action, the Examiner stated the following:

Based on these teachings, it should be clear that Hanson discloses a superior method of using peripheral device drivers to provide customized graphical objects to corresponding applications. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hanson's teachings in combination with the music player disclosed by Katz. There are numerous types of music renderers that Katz's music player software may not have been designed to accommodate. Hanson's dynamic device driver advantageously provides the user a way to manipulate peripheral specific data objects as suggested in column 4: lines 55-57, and would thus allow Kat's music player to be compatible with an unlimited number of devices in the vast market of music renderers.

The fact that references can be modified is not sufficient to establish prima facie obviousness. *Id.* Furthermore, the fact that the claimed invention is within the capability of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness. *Id.* In this case, the Examiner has merely made conclusory findings regarding the motivation to modify the Katz system. In the Office Action, the Examiner posits that if Katz incorporated the teachings of Hanson then it would be able to support additional devices. Applicant respectfully submits that Hanson does not teach a method of allowing an application to work with a variety of different types of device drivers. In contrast, the primary teaching of Hanson is directed to providing a device driver that is compatible with a variety of types of operating systems. *See col. 1, lines 28-54.* Thus, there is no teaching in Hanson that would suggest one of ordinary skill in the art to modify Katz as was suggested by the Examiner to derive the claimed invention.

Moreover, with respect to independent Claims 16 and 17, Applicant respectfully submits that the cited references fails to teach or suggest renaming a control object as is claimed. In the Office Action, the Examiner took the position that the change of printer status corresponded to this limitation. Applicant respectfully submits that this printer status information is merely information and is not a button or other control that is used by an individual to control the operation of a printer. Furthermore, Applicant respectfully submits that in Hanson the device driver is not renaming a control that was originally named by an application program. In Hanson, it is the responsibility of the device driver to provide all of the status states. Thus, Applicant

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respectfully submits that the cited references fails to teach or suggest independent Claims 16 and 17, as amended.

Since Katz and Hanson fail to teach or suggest at least the above-limitations in isolation or in combination, Applicant respectfully submits that independent Claims 1, 6, 11, 16 and 17 are in condition for allowance.

Claims 3-5, 8-10, 13-15, 21-32, 36-42, and 45

Since Claims 3-5, 8-10, 13-15, 21-32, 36-42 and 45 each depend on one of Claims 1, 6, 11, 18, 35 and 39, Applicant respectfully submits that these claims are allowable for at least the reasons discussed above and the subject matter of their own limitations.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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